

FILED

December 15 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

PR 06-0120

FILED

DEC 15 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

DISQUALIFICATION OF DISTRICT COURT
JUDGE

O R D E R

Defendants Bert and Libby Plaggemeyer (Plaggemeyers) have filed a motion for disqualification of Judge pursuant to § 3-1-805, MCA. They base their motion upon the assertion that Judge Hegel has failed to timely rule on motions or bring the matter to trial in a period of five years.

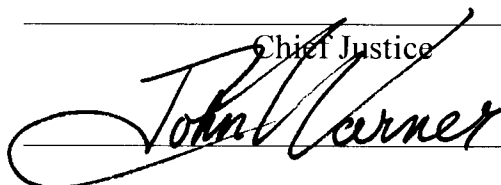
Having reviewed the motion and supporting affidavit, it is apparent that Plaggemeyers have failed to allege any specific facts showing personal bias or prejudice as required by § 3-1-805, MCA.

IT IS HEREBY ORDERED THAT:

1. The request to disqualify Judge Hegel in Sweet Grass County, No. DV 04-24, is DENIED.

2. The Clerk of this Court is directed to mail a true copy of this order to counsel of record in Cause No. DV 04-24, and to the Honorable Joe Hegel, District Judge, presiding.

DATED this 15th day of December, 2009.

Chief Justice


U. William Lapham

Paul
Patricia Cotton

Jim Rice
Brian Myers

Justices